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**OFFICE OF PETITIONS**

In re Application :  
Ronald A. Schachar :  
Application No. 09/589,626 : DECISION ON APPLICATION  
Filed: June 7, 2000 : FOR PATENT TERM ADJUSTMENT  
Atty Docket No. PRES06-00147 :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(b)", filed February 27, 2008. Applicant requests that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be increased from the currently accorded nine hundred five (905) days to nine hundred eleven (911) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **nine hundred eleven (911) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On November 27, 2007, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above identified application. The Notice stated that the patent term adjustment (PTA) to date is nine hundred five (905) days. On February 27, 2008, Applicant timely<sup>1</sup> submitted the instant application for patent term adjustment.

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<sup>1</sup> Applicant filed the application for patent term adjustment together with the payment of the issue fee.

Applicant states that the patent issuing from the application is subject to a terminal disclaimer.

The Office initially determined a patent term adjustment of nine hundred five (905) days based on an adjustment of four hundred eighty-three (483) days of PTO delay pursuant to 35 U.S.C. 154(b)(1)(A)(ii) and 37 C.F.R. § 1.703(a)(2), four hundred four (404) days pursuant to 35 U.S.C. 154(b)(1)(A)(ii) and 37 C.F.R. § 1.703(b)(4), and one hundred eighty-eight (188) days pursuant to 35 U.S.C. 154(b)(1)(A)(iii) and 37 C.F.R. § 1.703(a)(5), reduced by ninety-seven (97), six (6), and sixty-seven (67) days of applicant delay pursuant to 37 C.F.R. § 1.704(b). The adjustment of 6 days is at issue.

Applicant was assessed six (6) days of delay pursuant to 37 C.F.R. § 1.704(c)(8) for filing a terminal disclaimer on July 7, 2003, after he had previously filed an amendment on July 1, 2003. However, a review of the application file indicates that the terminal disclaimer was filed together with the amendment on July 1, 2003. Accordingly, no applicant delay should have been assessed for the filing of the terminal disclaimer.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **nine hundred eleven (911) days** (1075 (483+404+188) days of PTO delay, reduced by 164 (97+67) days of applicant delay).

Receipt of the \$200 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged.

The application is being forwarded to the Office of Data Management (formerly the Office of Patent Publications) for processing into a patent.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enc: updated PAIR screen

Day : Monday  
Date: 7/28/2008

# PALM INTRANET

Time: 17:30:16

## PTA Calculations for Application: 09/589626

Application Filing Date:	06/07/2000	PTO Delay (PTO):	1075
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	170
Post-Issue Petitions:	0	Total PTA (days):	911
PTO Delay Adjustment:	6		

## File Contents History

Number	Date	Contents Description	PTO	APPL	START
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94	11/27/2007	MAIL NOTICE OF ALLOWANCE			
93	11/26/2007	ISSUE REVISION COMPLETED			
92	11/01/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
91	11/01/2007	DOCUMENT VERIFICATION			
90	11/01/2007	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
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88	10/05/2007	DATE FORWARDED TO EXAMINER			
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85	07/18/2007	MAIL ADVISORY ACTION (PTOL - 303)			
84	07/17/2007	ADVISORY ACTION (PTOL-303)			
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78	04/03/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
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73	02/09/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
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71	02/09/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
70	02/26/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
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66	03/03/2006	APPELLANT'S REPLY BRIEF			
65	01/23/2006	SOLICITOR ANSWER TO APPELLANT'S BRIEF			
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63	05/24/2005	APPEAL TO COURT OF APPEALS			
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59	04/03/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
58.7	08/30/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
58	08/30/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
57	05/26/2005	NOTICE OF APPEAL FILED			
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53	03/24/2005	DEC ON RECONSIDERATION - DENIED			
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46	10/22/2004	DOCKETING NOTICE MAILED TO APPELLANT			
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34	10/24/2003	MAIL ADVISORY ACTION (PTOL - 303)			
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30	08/14/2003	MAIL FINAL REJECTION (PTOL - 326)			
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25	07/01/2003	RESPONSE AFTER NON-FINAL ACTION		97	23
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23	12/26/2002	MAIL NON-FINAL REJECTION	483		13
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21	10/29/2002	DATE FORWARDED TO EXAMINER			
20	10/29/2002	TO CLOSE THE A/R RECORD AND RESET THE STATUS FOR EXPIRED SUSPENSIONS.			
19	08/19/2002	CASE DOCKETED TO EXAMINER IN GAU			
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7	12/14/2000	APPLICATION DISPATCHED FROM OIPE			
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2	06/27/2000	IFW SCAN & PACR AUTO SECURITY REVIEW			
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#### **EXPLANATION OF PTA CALCULATION**

#### **EXPLANATION OF PTE CALCULATION**

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